

**Zoning Board of Adjustment  
1200 Mountain Ave., Middlesex, NJ 08846  
Agenda Meeting Minutes  
August 17, 2016  
7:30 PM**

**1. Call to Order**

Chairperson Thompson called the meeting to order at 7:40pm.

**2. Open Public Meeting Act Statement**

Chairperson Thompson read the Open Public Meeting Act Statement.

**3. Roll Call**

Upon the call of the roll the following members were present:

John Anello Dec/2016 [present]	Guy Hoyt Dec/2017 [absent]
Leonard Jackson Dec/2017 [present]	Anthony Thompson Dec/2018 [present]
Jeff First Dec/2018 [absent]	Anthony Vietri Dec/2017 [absent]
John Fuhrmann Dec/2016 [absent]	John Segarra (1st Alt) (Dec/2018) [present]
Mike Jones (2nd Alt) Dec 2017 [present]	

Also present were: Board Attorney- Ms. Joan Dowling  
Board Planner-Uzo Ahirakwe

**4. Minutes**

Member Anello made a motion to approve the July 6, 2016 meeting minutes, seconded by Member Segarra. Vote: All in favor. Motion passed.

**5. New Business**

**Z2016-01  
TCAT Properties  
294 Lincoln Blvd  
Block 340 Lots 40, 37.01, 29.01**

**Interpretation**

Chairperson Thompson stated that only five members of the Board are present; the applicant is entitled to a full Board and asked if the applicant wanted to proceed.

Mr. Robert Gaccione stated that he representing the applicant TCAT Properties and would like to proceed with the application with the five Board Members in attendance.

Mr. Gaccione stated that the application was an interpretation regarding using the building on the property as a catering venue.

Mr. Gaccione stated the following Borough definitions:

RESTAURANT

An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of food to its customers.

A.

LIMITED SERVICE RESTAURANT

A business or establishment characterized by the following: the placing of orders at a counter, a lack of waiter or waitress table service and the serving of prepared food in or on disposable wrapping or containers in a form ready for consumption.

B.

FULL-SERVICE RESTAURANT

A restaurant with waiter or waitress table service, primarily serving food cooked to order, which is paid for after consumption. A full-service restaurant may also have a limited take-out service accessory to and incidental to its main operation as a full-service restaurant.

Mr. Gaccione stated that the catering hall was not a limited service restaurant and is seeking to be considered a full service restaurant as the use is permitted in the zone the building is located.

Ms. Dowling stated that if the Board deemed the catering hall as a restaurant then it would be a permitted use and needs to be heard in front of the Planning Board.

Ms. Dowling stated that if the Board deemed the catering hall- not as a restaurant then it would need a use variance and need to be heard in front of the Zoning Board of Adjustment.

Ms. Dowling stated that the Board could agree or not agree with Mr. Gaccione.

Member Anello stated that a catering hall is not a full service restaurant.

Ms. Dowling stated that the catering hall could not fit in either definition; the applicant would need to file for a use variance.

Chairperson Thompson clarified that this would be the venue that the food would be brought to.

Mr. Ahirakwe stated that this use doesn't fall into either category.

Mr. Gazzione stated that the use didn't fit into either category.

Members Jones, Segarra, Jackson and Anello stated that it doesn't fit into either category.

Member Anello made a motion that the Zoning Board is not in agreement with the Applicant considering a catering hall as a Full Service Restaurant. There is a direct conflict with the definition as shown in our ordinance; and the applicant needs to apply for a use variance, seconded by Member Jones. Vote: Member Anello-yes, Member Jackson-yes, Member Thompson-yes, Member Segarra-yes, Member Jones-yes. Motion passed.

Chairperson Thompson opened the meeting to the public.

James Peterson, 301 Lincoln Blvd, He received the notice regarding the application that was heard tonight. He stated that he was looking for a better description of the use.

Ms. Dowling stated that the purpose of the meeting tonight was to declare a permitted use or not permitted use with the limited information that was provided by the applicant.

The Board stated it was not a permitted use so the applicant will have to apply for a variance seeking permission and there will be more specifics on the future application.

Board Members explained the process and when the application is ready to be heard the public will need to be re-noticed.

There being no more public comments, Chairperson Thompson closed the public portion of the meeting.

## **6. Board Member Comments**

### **A. Discussion of RFP's**

This discussion was tabled to a future meeting.

There being no further business Member Anello made a motion to adjourn the meeting at 8:07pm, seconded by Member Segarra. Vote: All in favor. Meeting adjourned.

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Secretary

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Karen Wick, Board Clerk